

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 27, 2005

D046515 Amelia H. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The court received a copy of a notice of intent to file petition and request for record filed pursuant to California Rules of Court, rule 38(e) for petitioner. The record was filed and assigned the above number. Rule 38.1(c)(1) provides that the petition shall be served and filed within 10 days after the filing of the record in the reviewing court. At this time no petition has been received from counsel. The court has received a petition for extraordinary writ filed by Petitioner Amelia H. in propria persona, but it is inadequate because it does not properly summarize the factual bases for the petition with citations to the record (item number 7 of petition) and provide supporting points and authorities (item number 8 of petition). Failure to file a timely petition shall preclude subsequent review in any appellate procedure of the order setting the hearing under Welfare and Institutions Code Section 366.26.

If a proper petition is not filed within 10 days from the date of this notice, the court will conclude the right to file a petition has been waived and this case will be dismissed as non-operative. Any petition filed after the 10 days will also be dismissed.

D044367 The One Harbor Drive Homeowners Association et al. v. The Harbor Drive Venture et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

D045284 In re Marriage of Kniffen

Respondent's unopposed motion to dismiss the appeal is granted. The appeal filed on October 15, 2005, is dismissed.

D044321 People v. Zavala

The judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. McDonald, J.;
We Concur: Benke, Acting P.J., Huffman, J.

D042704 People v. Kennell et al.

Pursuant to California Rules of Court, rule 25(b), this Court requests the appellant to file an answer to the petition for rehearing within eight days of this order.

D046417 Amanda S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Amanda S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed. The case is dismissed.

D044680 Conservatorship of the Person of Mary H.

The request for publication is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 28, 2005

D045413 In re Ebony G. et al., Juveniles

The judgment terminating parental rights is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

D045073 In re Azul C., a Juvenile

The detention, jurisdictional, and dispositional findings and orders and all subsequent orders are reversed. The matter is remanded to the juvenile court with directions to dismiss the dependency petition. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J. CERTIFIED FOR PUBLICATION

D044220 People v. Hanafi

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

D045362 In re Javier S., a Juvenile

The judgment terminating Pearl's parental rights is reversed. Following notice sufficient to satisfy the requirements of ICWA, the juvenile court is instructed to determine whether ICWA applies. If the juvenile court determines ICWA does not apply, and no circumstances which would warrant relief under section 388 are brought to the court's attention, the court is instructed to reinstate its judgment terminating Pearl's parental rights. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

D045051 In re Ladonte C., a Juvenile

The September 14 order is affirmed, except that the probation condition stating that "the minor shall have no direct or indirect contact with any victim(s), witness(es) or co-offender(s) in this matter, or any of their family members" shall be modified to read as follows: "the minor shall have no direct or indirect contact with any victim(s), witness(es) or co-offender(s) in this matter, or any of their family members, except for incidental peaceful contact at school." Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D044629 In re Christopher N., a Juvenile

Affirmed. Irion, J.; I Concur: Haller, Acting P.J.; I Dissent: McDonald, J.

D045730 People v. Harris

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D043946 People v. Bravo

D045653 In re Bravo on Habeas Corpus

The conviction for attempted carjacking is ordered dismissed. The superior court is directed to amend the abstract of judgment accordingly and to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for habeas corpus is denied.

D046527 Shannon W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioners Augustine B. and the attorney for petitioner Shannon W. have notified the court on behalf of petitioners that Petitions for Writ of Mandate under Rule 38.1 will not be filed. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 28, 2005 (Continued)

D046524 Pauline P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Pauline P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed. The case as to Pauline P. is dismissed.

D044725 Snow v. Almeida et al.

The trial court is directed to enter a judgment of dismissal nunc pro tunc as of June 4, 2004. The judgment is affirmed. Aaron, J.; We Concur: O'Rourke, Acting P.J., Irion, J.

D045437 In re Oscar M. et al., Juveniles

D045780 In re Oscar M. on Habeas Corpus

The pending writ of habeas corpus, In re Oscar M., D045780, is consolidated with the pending appeal, In re Oscar M. et al., D045437, for disposition.

D045437 In re Oscar M. et al., Juveniles

D045780 In re Oscar M. on Habeas Corpus

Father's petition for writ of habeas corpus is denied, and the trial court's judgment terminating Father's parental rights is affirmed. Aaron, J.; We Concur: McConnell, P.J., Irion, J.

D046187 In re N.W., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: Huffman, J., Nares, J.

D046674 Stretton v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied.

D044969 People v. Meadors

The six vague gang conditions are modified to read as follows: "10. GANG CONDITIONS: [¶] . . . [¶] b. Not associate with any known gang members or persons known to be associated with the East Dago Mob gang. [¶] . . . [¶] e. Not own, transport, sell, or possess any weapon, firearm, replica, ammunition, or instrument knowingly used as a weapon. [¶] f. Not associate with any persons known to have firearms or weapons in their possession. [¶] g. Not participate in activities or frequent places where firearms or weapons are known to be used illegally or legally (hunting/target shooting). [¶] . . . [¶] j. Not wear, display, use or possess any insignias, emblems, badges, buttons, caps, hats, jackets, shoes, flags, scarves, bandanas, shirts or other articles of clothing which are known to be evidence of affiliation with or membership in the East Dago Mob gang. [¶] k. Not display any known gang signs or gestures." In all other respects, the judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Irion, J.

D045410 Paul L. v. Superior Court of San Diego County/Evan L., a Minor, etc., et al./Department of Corrections

The order of the juvenile court is reversed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D045102 People v. Crowell

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 28, 2005 (Continued)

D043266 In re Marriage of Sukel

D044115 In re Marriage of Sukel

The orders of October 8, 2003 and March 11, 2004 are affirmed. The order of September 10, 2003 that contains a caption of Ex Parte Order is affirmed. The order of September 10, 2003 that is entitled "Child Custody and Visitation -- Other Orders," is modified as follows: Paragraph 4 of the September 10, 2003 order, which now reads: "The Court orders that neither Petitioner nor Respondent shall say anything to the school officials, parents of other students, or other students at [Katherine's] school about the other parent, except to provide the name, address, and telephone number of the other parent. The Court orders that absolutely no information regarding the 'custody battle' nor any disparaging information about the other parent shall be provided to school officials, parents of other students, or other students at [Katherine's] school." shall now read as follows: "The court orders that absolutely no information regarding the 'custody battle' nor any disparaging information about the other parent shall be provided to school officials by either parent." In all other respects this September 10 order is affirmed. Appellant to bear respondent's costs on appeal. Haller, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D046632 National Union Fire Insurance Co. v. Superior Court of San Diego
County/Cole et al.**

The petition is denied.

D046366 Allan v. East Elliott Property Owners Association

The petition for rehearing is denied.

D044615 Valencia v. Suros et al.

Request for publication is denied.

D046317 Light v. Sterling & Reid Brothers Circus

The petition is denied.

D046400 In re Sood on Habeas Corpus

The petition is denied.

D043908 Reta Thompson v. 10,000 RV Sales, Inc.

The judgment is affirmed. Thompson is entitled to costs on appeal. CERTIFIED FOR PUBLICATION. Irion, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 29, 2005

D045565 People v. Maurer

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D042800 Galinski v. Johnson

D043164 Johnson v. Superior Court of San Diego County/Galinski

The pending petition for writ of mandate, Ronald M. Johnson v. Superior Court; Arlene Galinski D043164, is consolidated with the pending appeal, Arlene Galinski v. Ronald M. Johnson D042800, for disposition.

D045600 In re Felix M., et al Juveniles

The judgment is affirmed. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

D045808 In re the Marriage of Esparza

Pursuant to California Rules of Court, rule 8, the appeal filed January 10, 2005 and amended March 7, 2005, is dismissed for failure of appellant to timely deposit costs for preparing the record on appeal.

D045769 People v. Pena

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting, P.J., McIntyre, J.

D046707 People v. Pajic

The appeal filed on June 24, 2005 is dismissed.

D045651 In re Antonio B., a Juvenile

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court, with directions that it order the Agency to give the required ICWA notice to the tribes and the BIA. If after proper notice no Indian Entity seeks to intervene or otherwise indicates Antonio is an Indian child as defined by ICWA, the court shall reinstate the judgment. The remittitur is to issue forthwith. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

D044879 In re the Marriage of Mork

The trial court's custody order is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., Irion, J.

D042800 Galinski v. Johnson

D043164 Johnson v. Superior Court of San Diego County/Galinski

The petition for a writ of mandate is granted and the trial court is directed to vacate its order granting a JNOV. The order for a new trial is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D046454 In re Singleton on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 30, 2005

D044353 People v. Chavez

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

D045612 Bryant v. Superior Court of Imperial County/People

The request for publication of the opinion is denied.

D044120 Brierton v. Department of Motor Vehicles

It is ordered that the opinion filed on June 21, 2005, is modified. There is no change in judgment. The petition for rehearing is denied.

D046513 Angelica C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Angelica C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues. The case is dismissed.

D045372 In re Marriage of Mathews

The judgment is affirmed. Husband is entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D043795 County of San Diego v. Anderson et al.

The judgment is affirmed. The motion for sanctions is denied, except to the extent that the ordinary costs on appeal shall be paid by appellant and/or his appellate attorney, jointly and severally. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D045599 In re Z. N., a Juvenile

Petition for rehearing is denied.

D046483 In re Marriage of Szabo

Pursuant to California Rules of Court, rule 8, the appeal filed May 10, 2005, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5 (a)).

D044385 Timmes v. Puzzo

The request for publication is denied.

D045617 In re Javier G., et al. Juveniles

The appeals are dismissed. CERTIFIED FOR PUBLICATION McConnell, P.J.; We Concur: Huffman, J., Irion, J.

D046524 Pauline P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Ammon C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 38.1 will not be filed as there are no viable issues. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 1, 2005

D044716 People v. Westgarth

The judgment is affirmed. O'Rourke, J.; I Concur: Nares, Acting P.J.,
I Concur in the Result: McDonald, J.

D045895 In re Brittney C., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Huffman, J., O'Rourke, J.

D045776 Shippen et al. v. Ferguson

Upon written request filed by appellants, the appeal is dismissed and the remittitur is ordered to issue immediately.

D045837 In re X.J., a Juvenile

The judgment terminating parental rights is reversed. This matter is remanded to the juvenile court, with directions that it hold a hearing to determine if there is adequate information to trigger the ICWA notice provisions. If the court determines there is not adequate information; or if it determines there is adequate information and orders notice be given, but after proper notice no Indian entity seeks to intervene or otherwise indicates X. is an Indian child as defined by ICWA, the court shall reinstate the judgment. If, on the other hand, after proper notice an Indian entity determines X. is an Indian child under ICWA, the court shall conduct a new Welfare and Institutions Code section 366.26 hearing in accordance with ICWA. The remittitur is to issue forthwith. McConnell, P.J.; We Concur: Benke, J., Irion, J.